

### REMARKS

This application has been carefully reviewed in light of the Office Action dated May 7, 2003 (Paper No. 6). Claims 1 to 36 are in the application, with Claims 10, 11, 24, 25, 30 and 31 having been withdrawn from consideration. Claims 1, 12, 19, 26 and 32 are the independent claims currently under consideration. Reconsideration and further examination are respectfully requested.

Initially, Applicants note that a Petition Under 37 C.F.R. § 1.181 For New Office Action was filed on July 28, 2003. To date, Applicants have not received a decision on that Petition. In order to avoid the possibility of further extension fees, Applicants are filing this Amendment in response to the May 7<sup>th</sup> Office Action. However, by filing this Amendment Applicants do not intend to withdraw the Petition and respectfully request a prompt decision on the Petition.

The Office Action contained an objection to the drawings indicating that Figures 21 and 22 should be designated as prior art. In response, Applicants have prepared new formal drawings for Figures 21 and 22 which contain the legend "PRIOR ART." These new formal drawings are now being submitted with the accompanying Letter Transmitting Formal Drawings. Withdrawal of the objection to the drawings is respectfully requested.

Claims 1 to 9 and 12 to 18 were rejected under 35 U.S.C. § 102(a) over U.S. Patent No. 5,997,153 (Naoe); and Claims 19 to 23, 26 to 29 and 32 to 36 were rejected under § 103(a) over Naoe in view of U.S. Patent No. 5,781,351 (Murakami). Applicants have considered the Examiner's comments together with the applied references and respectfully traverse these rejections for the following reasons.

Independent Claim 1 concerns a laser device that includes a light source for emitting a laser beam and a lens through which the laser beam emitted from the light source is transmitted. A holder having a tubular portion holds the light source and the lens, where the internal surface of the tubular portion has a recess in a position in which the lens is held.

Independent Claim 12 concerns a lens position adjustment method for a laser device. According to the method, a light source emitting a laser beam is fixed to a holder having a tubular portion. A lens is supported with supporting members positioned in a recess provided in the tubular portion and the relative positions of the lens and the light source are adjusted. The lens is then fixed to a fixing part of the tubular portion.

The applied reference is not understood to disclose the foregoing features of the present invention. In particular, the applied reference is not understood to disclose at least the feature of a holder having a tubular portion for holding a light source and a lens, where a recess is provided in the tubular portion.

Naoe concerns a light source device in which a lens is positioned on a support member, as shown in Figure 14 of Naoe. The Office Action contended that the recess 20 shown in Figure 14 corresponded with the recess in the tubular portion of the present invention. Applicants respectfully disagree with this interpretation. As described in column 11, lines 35 to 38, the recess 20 is formed in the lens 19 and not the cylindrical surface 17 on which the lens is positioned. Therefore, Naoe is not understood to disclose the feature of a holder having a tubular portion for holding a light source and a lens, where a recess is provided in the tubular portion.

Accordingly, independent Claims 1 and 12 are believed to be allowable over the applied reference. Reconsideration and withdrawal of the § 102(a) rejection of Claims 1 and 12 are respectfully requested.

Independent Claim 19 concerns a laser device that includes a light source for emitting a laser beam, a lens through which the laser beam emitted from the light source is transmitted, and a holder having a tubular portion for holding the light source and the lens. First and second recessed portions are provided in the tubular portion of the holder and are open toward the end of the tubular portion on the opposite side of the light source across the position of the lens; where the second recessed portion is shorter than the first recessed portion with respect to the optical axis direction of the lens.

Independent Claim 26 concerns a laser device that includes a light source for emitting a laser beam, a lens through which the laser beam emitted from the light source is transmitted, and a holder having a tubular portion for holding the light source and the lens. A first recessed portion for supporting the lens is provided in the tubular portion and is open toward the end of the tubular portion on the opposite side of the light source across the position of the lens. A second recessed portion for pouring an adhesive into the part between the lens and the tubular portion is provided in the tubular portion and is open toward the end of the tubular portion on the opposite side of the light source across the position of the lens.

Independent Claim 32 concerns a lens position adjustment method in a laser device where a light source emitting a laser beam is fixed on a holder having a tubular portion. A lens is supported with supporting members which are position in a first

recessed portion provided in the tubular portion and the relative positions of the lens and the light source are adjusted. An adhesive is poured from a second recessed portion provided in the tubular portion to fix the lens in a fixing part of the tubular portion.

The applied references are not understood to disclose or suggest the foregoing features of the present invention. In particular, the applied references are not understood to disclose or suggest at least the feature of first and second recessed portions provided in a tubular portion of a holder holding a light source.

As discussed above with respect to Claims 1 and 12, Naoe is not understood to disclose the feature of a holder having a tubular portion for holding a light source and a lens, where a recess is provided in the tubular portion. Furthermore, as conceded in the Office Action, Naoe is not understood to disclose the feature of first and second recessed portions being provided in the tubular portion of the holder.

Murakami, which was applied in the § 103(a) rejection in combination with Naoe, concerns a lens holder for positioning and holding a lens. However, Murakami is not understood to remedy the deficiencies of Naoe. First, in order to combine references in a rejection under § 103(a), there must be some motivation in the prior art to combine the references. Applicants respectfully submit that no such motivation has been identified in the Office Action. Rather, the Office Action merely contains an assertion that one of ordinary skill in the art would have been motivated to combine these references without providing any support in the prior art to make this combination. Accordingly, should the Examiner choose to maintain this rejection, Applicants request that support for the combination be identified in the prior art.

Second, even if the combination of Murakami with Naoe was appropriate, which Applicants do not concede, Murakami is not understood to disclose that the lens holder holds a light source, and therefore is not understood to disclose the feature of a holder for holding a light source having first and second recessed portions provided in a tubular portion of the holder. Therefore, Murakami, either alone or in combination with Naoe, is not understood to disclose or suggest at least the feature of first and second recessed portions provided in a tubular portion of a holder holding a light source.

Accordingly, independent Claims 19, 26 and 32 are believed to be allowable over the applied references. Reconsideration and withdrawal of the § 103(a)-rejection of Claims 19, 26 and 32 are respectfully requested.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing remarks, the claims currently under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

  
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